

I commend all of you, Senator INOUE, Senator STEVENS, and Senator BYRD, for the work that has been done here.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur in the comments made by the Republican leader. We should note that this completes our work on all 13 appropriations bills. I commend both the chair and the ranking member for their work in getting us to this point. This was not easy, especially this year. It would not have happened were it not for the tremendous effort made by each of the subcommittee chairs. I note especially the efforts of the Senator from Hawaii on the Defense appropriations bill, the largest of all bills with which we had to contend.

I congratulate them. I thank them. I note, again, the great work they have done in getting us to this point.

#### UNANIMOUS CONSENT REQUEST— H.R. 3210

Mr. DASCHLE. Madam President, I have a unanimous consent request to propound at this time. There will be many other unanimous consent requests made over the course of this afternoon. We will certainly notify Senators as they are propounded so that those who have an interest in a particular issue can be in the Chamber when we make them. Let me begin.

I ask unanimous consent the Senate proceed to Calendar No. 252, H.R. 3210, and the only amendment in order be a Dodd-Sarbanes-Schumer substitute amendment, that the substitute be considered and agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. McCONNELL. Madam President, reserving the right to object—I will object—I have a different approach in mind on this which I would like to propound.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Madam President, the Republican leader and I have agreed that we would keep the remarks involving these unanimous consent requests to a minimum at this point to accommodate those Senators who are still waiting to speak on the Defense appropriations conference report. I would like to respect our earlier commitment to them that they would have the opportunity to make their remarks. But we will certainly entertain these unanimous consent requests without extended comments. I appreciate everyone's cooperation in that regard.

Mr. McCONNELL. Madam President, will the leader yield for a question?

Mr. DASCHLE. Yes.

Mr. McCONNELL. I was simply going to suggest that he modify his unanimous consent request. I was not going to make a speech.

Mr. DASCHLE. I would be happy to entertain the modification.

Mr. McCONNELL. I was going to suggest the majority leader modify his unanimous consent request to adopt one amendment on each side with regard to liability only.

Mr. DASCHLE. Madam President, I appreciate the recommendation and proposal made by the Senator from Kentucky. I know this has been the subject of a good deal of discussion. There is no doubt the issue of liability will be a matter that will have to be addressed. But if we open it up to any amendment at this late hour, there is little likelihood we can complete our work in time for us to be able to go to conference before the holidays begin.

For that reason, I would have to object.

#### UNANIMOUS CONSENT REQUEST— H.R. 3529

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3529, which is the stimulus package received from the House. I further ask unanimous consent that there be 60 minutes for debate equally divided in the usual form; further, I ask that at the expiration or yielding back of that time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with points of order waived.

Before the Chair rules on this unanimous consent request, I add that if there is any additional debate time—if 2 or 3 hours would be needed—I will certainly amend my unanimous consent request to accommodate more debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, I offer an alternative and make it a proposal that we amend the unanimous consent request made by the distinguished Republican leader as the following: That the amendment include a substitute amendment that I have at the desk which would extend unemployment insurance coverage for 13 weeks, and that the bill, as amended, be read a third time and passed.

Mr. LOTT. Madam President, reserving the right to object, I want to make sure I understand the proposal: That we would not have a vote on that addition but to just include it in the package. Is that correct?

Mr. DASCHLE. Madam President, we have already indicated, of course, to all of our colleagues that we would not have any additional rollcall votes today. We would have to accommodate this request with simply a voice vote on the substitute.

Basically, what we are suggesting is that since we cannot reach agreement on the overall economic stimulus, the

one piece for which there is general agreement is the need to extend unemployment insurance. We did it three times in the early 1990s, recognizing that the limited regular benefit period of time was inadequate for a lot of those who are out of work.

Again, without getting into extended remarks, I would simply, by explanation, note that would be the intent of this unanimous consent request, which is to substitute economic stimulus with the 13-week extension.

Mr. LOTT. Madam President, under those conditions, I would have to object.

Let me just say that if we can set it up in a way to have a rollcall vote on that rather than a voice vote to make that very substantial change, I think we need to do both, and therefore I would have to object to that modification.

Mr. DASCHLE. Madam President, I yield the floor.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. INOUE. Madam President, pursuant to the unanimous consent agreement, I would like to proceed with my statements.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INOUE. Madam President, I am happy to rise today to offer my unqualified support for the conference agreement on H.R. 3338, the Department of Defense Appropriations Bill for Fiscal Year 2002.

I am pleased to present the recommendations to the Senate today, as division A of this bill.

The recommendations contained herein are the result of lengthy negotiations between the House and Senate managers and countless hours of work by our staffs acting on behalf of all members.

The agreement provides \$317.2 billion, the same as the House and Senate levels, consistent with our 302b allocations.

As in all conference agreements, neither side, nor any individual member had every issue go his or her way. It represents a compromise.

It is one that protects the interests of both houses while clearly meeting our national defense responsibilities.

For the information of all Senators, I should point out that the bill provides more funding for our men and women in uniform than was recommended by either body.

I want to note to all my colleagues that this would not have been possible without the tremendous cooperation that I have received from Senator STEVENS and his able staff led by Steve Cortese with Ms. Margaret Ashworth, Kraig Siracuse, Alycia Farrell, and Mr. John Kem, on detail from DOD.

The Senate owes all of them a debt of gratitude. I want to also note the efforts of my staff, Charlie Houy, David Morrison, Gary Reese, Susan Hogan, Tom Hawkins, Bob Henke, Lesley Kalan, and Mazie Mattson who have devoted so much time to preparing the committee's recommendations for this bill.

The Defense appropriations bill as recommended by the conference committee provides a total of \$317,623,747,000 in budget authority for mandatory and discretionary programs for the Department of Defense. This amount is \$1,923,633,000 below the President's request.

The recommended funding is below the President's request by nearly \$2 billion because the Congress has already acted to reallocate \$500 million for military construction and \$1.2 billion for nuclear energy programs under the jurisdiction of the Energy Water Subcommittee.

The total discretionary funding recommended in division A of this bill is \$317,206,747,000. This is less than \$2 million below the subcommittee's 302B allocation.

This measure is consistent with the objectives of this administration and the Defense Authorization Conference Report which passed the Senate.

In addition, we believe we have accommodated those issues identified by the Senate which would enhance our nation's defense while allowing us to stay within the limits of the budget resolution.

Our first priority in this bill is to provide for the quality of life of our men and women in uniform.

In that vein, we have fully funded a five percent pay raise for every military member as authorized.

We recommend additional funding for targeted pay raises for those grades and particular skills which are hard to fill.

We believe these increases will significantly aid our ability to recruit, and perhaps more importantly, retain much needed military personnel.

We have also provided \$18.4 billion for health care costs. This is 46.3 billion more than appropriated in FY 2001 and nearly \$500 million more than requested by the president.

This funding will ensure that tricare costs are fully covered.

It will also increase our military hospital funding to better provide for their patients and, by providing funding for "TRICARE FOR LIFE", we fulfill a commitment made to our retirees over 65.

This will ensure that those Americans who were willing to dedicate their lives to the military will have quality health care in their older years.

This is most importantly an issue of fairness.

It fulfills the guarantee our nation made to the men and women of our military when they were on active duty.

We also believe it will signal to those willing to serve today that we will

keep our promises. In no small part we see this as another recruiting and retention program.

In title two, the bill provides \$105 billion for readiness and related programs. This is \$8.2 billion more than appropriated for fiscal year 2001. The bill reallocates funding from the Secretary of Defense to the military services for the costs of overseas deployments in the Balkans.

This is the way the Pentagon funds the Middle East deployments. The conferees have agreed to leave a small amount in the appropriation for unforeseen emergencies.

For our investment in weapons and other equipment, the recommendation includes \$60.9 billion for procurement, nearly \$500 million more than requested by the President. The funding here will continue our efforts to recapitalize our forces.

The agreement fully supports the Army's transformation goals and purchases much needed aircraft, missiles and space platforms for the Air Force.

For the Navy, the bill provides full funding for those programs that are on track and ready to move forward.

In the case of shipbuilding, the conferees strongly support the need to address our growing shortfalls in ship construction. The agreement provides more funding that in either House or Senate bill and \$150 more than requested.

In some cases, contract delays have allowed the conferees to recommend reallocating funds for other critical requirements.

Included in that, the committee has recommended \$700 million for procurement to support our national guard and reserve forces.

The conference funds 10 UH-60 helicopters for the National Guard and Army Reserve. It also provides four C-130's for our Air National Guard and Reserves.

The agreement adds funding for additional trainer aircraft for the Navy. It fully funds the requirements for the F-22, the JSF and the F/A-18.

In funding for future investment for research and development, the measure recommends \$48.9 billion, nearly \$1.5 billion more than the amounts appropriated for fiscal year 2001. Regarding missile defense, the bills is very close to the level requested by the President.

Last week, the Pentagon announced that it was terminating the Navy' area wide missile defense program. Additionally, we were informed that the Pentagon is restructuring its space based on infrared—low program. These two adjustments allowed the conferees to reduce funding for missile defense.

However, similar to the provision in the Senate and the authorization bill, the committee provides \$478 million in additional funding that can be used for counter terrorism programs.

This is a balanced bill that supports the priorities of the administration and the Senate.

In order to cut spending by nearly \$2 billion, some difficult decisions were

required. The bill reduces funding for several programs that have been delayed or are being reconsidered because of the secretary's strategic review, the nuclear posture review, and the quadrennial defense review.

The bill also makes adjustments that are in line with the reforms championed by the administration:

A concerted effort was made at reducing reporting requirements in the bill;

The bill also reduces funding for consultants and other related support personnel as authorized by the Senate.

As requested, the bill provides \$100 million for DOD to make additional progress in modernizing its financial management systems.

Finally, the bill places a cap on legislative liaison personnel which the Secretary of Defense has indicated are excessive.

I would like to take a few minutes to discuss an item that some have mischaracterized.

The bill provides discretionary authority to the Defense Department to lease tankers to replace the aging KC-135 fleet. This is a program that is strongly endorsed by the Air Force as the most cost effective way to replace our tankers.

Despite what has been claimed, the language in the bill requires that the lease can only be entered into if the Air Force can show that it will be 10 percent cheaper to lease the aircraft than to purchase them. In addition, it stipulates that the aircraft must be returned to the manufacturer at the end of the lease period.

No business sector has suffered more from the events of 9-11 than has our commercial aircraft manufacturers. The tragic events of that day have drastically reduced orders for commercial aircraft.

We have been informed that Boeing, for example, will have to lay off approximately 30,000 people as a direct consequence of the terrorist attack. We have provided funding to support the aircraft manufacturers as a result of that tragedy.

We are including funds elsewhere in this bill to help in the recovery in New York and the Pentagon. The leasing authority which we have included in Division A allows us to help assist commercial airline manufacturers while also solving a long-term problem for the Air Force.

I strongly endorse this initiative which was crafted by my good friend Senator STEVENS with the support of several other Members, including Senators CANTWELL, MURRAY, ROBERTS, and DURBIN. I believe it deserves the unanimous support of the Senate.

Today is December 20th. Nearly one quarter of the fiscal year has passed.

The Defense Department is operating under a continuing resolution which significantly limits its ability to efficiently manage its funding.

I don't need to remind any of my colleagues that we have men and women

serving half way around the world defending us.

Less than one percent of Americans serve in today's military. These few are willing to sacrifice themselves for us. They deserve our support.

One hundred days ago our Nation was shocked and hurt by a surprise attack. This is the bill, Mr. President, that allows us to respond to that attack.

It is also the measure we need to show our military forces that we support them.

This bill is urgently needed to fight and win this war and to demonstrate to the world our resolve.

I urge all my colleagues to support this bill.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I add my congratulations to the chairman of the subcommittee and the ranking member for their hard work on a very important piece of legislation.

I also ask unanimous consent to have printed in the RECORD a letter by Air Force Chief of Staff John Jumper and Secretary of the Air Force James Roche basically explaining in detail their need for the 767 tanker fleet and why the activities and events after September 11 have accelerated the interest in the replacement options that were a part of this legislation.

DECEMBER 18, 2001.

EDITOR-IN-CHIEF,  
*The Washington Post,*  
Washington, DC.

There being no objection, the letter was ordered to be printed in RECORD, as follows:

DEAR EDITOR: Robert Novak's Dec 16, 2001 column, "Boeing Boondoggle," wrongly implies the Air Force doesn't have a position on leasing Boeing 767s for use as tanker aircraft. Our position, previously explained to Mr. Novak, is clear: we need to modernize our aging tanker fleet, and we owe it to our warfighters and taxpayers to consider all reasonable options, including leasing or buying 767s.

Air refueling enables America to project power anywhere in the world. Today, in the US-led global war on terrorism, that mission is mostly done with an aircraft designed and first built during the Eisenhower administration. We have flown more than 3500 refueling sorties in Operation Enduring Freedom and more than 2700 refueling sorties in support of air patrols over American cities since the September 11 attacks. These operations, along with a mission focus on homeland security, are forcing the Air Force to assess accelerating replacement options.

Incorporating new 767 aircraft into our fleet will dramatically enhance America's aerial refueling capability. Benefits include increased fuel offload, near-term aircraft availability, and mission reliability—all with far lower support costs. The 767 has also attracted the interest of Italy and Japan, allies with similar needs.

Should Congress approve a leasing option to put new tankers in service, we will analyze business conditions and determine the most cost-effective modernization path available. Leasing may enable the Air Force to avoid significant up-front acquisition cash outlays, and it could allow us to accelerate retirement of the oldest, least reliable tank-

ers in the fleet, saving more than \$3 billion in repair and maintenance costs. If a cost-benefit analysis favors another approach, we would pursue that alternative.

America's air refueling fleet is indispensable, and modernization is essential to future mission success. The 767 is the right platform to jumpstart tanker modernization, and we are committed to leveraging our resources to make the best overall arrangement for our citizens.

JOHN P. JUMPER,  
*General, USAF, Chief*  
*of Staff.*

JAMES G. ROCHE,  
*Secretary of the Air*  
*Force.*

Ms. CANTWELL. Mr. President, I also ask unanimous consent to have printed in the RECORD information about how the DOD process for reviewing the need for the 767 tanker replacement was started over 2 years ago, culminating in a report and analysis of, February 2001 that these tankers were in fact needed and not done behind closed doors but the process was followed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Planning for the Air Force replacement of its KC-135 tanker fleet has been ongoing for years. The DoD's Joint Requirements Oversight Committee (JROC) has validated a Mission Needs Statement for this replacement, culminating in a two year DoD review process.

In response, Boeing in February of 2001 submitted a proposal to the Air Force for the purchase of new 767 tankers—this is neither a new, nor a "behind closed doors" issue.

The Air Force Secretary and Chief of Staff have been visible and vocal (letters, press statements) in their support for the need to begin to modernize the tanker fleet. More specifically, they have been clear on the desirability of leasing 767 tankers in order to get them deployed (and old high cost tankers retired) in operationally significant quantities and within projected budgets over the next decade.

Ms. CANTWELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise because we have passed the 13th conference report on the 13 appropriations bills.

As we prepare to return to our home States, everyone here in the Chamber and everyone in the Senate can find some aspect of the conference report on Defense to which to object.

In the end, what we have to do is consider the work as a whole—as a complete body of work—and make our judgments on it as not any one single item or issue but the whole notion of how we protect our Nation's interests across the globe. On that, this measure deserves my support, and has gotten my support, and obviously the support of a majority of our colleagues.

As we dispose of the conference report on the Defense appropriations bill, I regret that we leave behind other issues involving security for our country at home. I want to mention those today.

I hope before we adjourn at the end of this day, we will have had the oppor-

tunity to bring to this floor several measures that will be brought up by unanimous consent, and I hope with no objection. One of those deals with the security of our ports. As it turns out, for the hundreds of ports across and around our Nation where ships travel in and out of them every single week, the security we provide for those ports and for the people who live in the areas around those ports is inadequate.

The opportunity for someone to bring terrorist devices into our ports and into heavily populated areas possibly is very real. It is one that we currently do not address well, and we need to.

The Senate Commerce Committee, under the leadership of Senator HOLINGS, has reported out legislation, I believe unanimously, on port security. It needs to come before this body and to be considered before we ultimately adjourn.

Secondly, on the issue of airport security, aircraft security has been debated and I think satisfactorily addressed by the House and Senate and by the President.

Many people in this part of the country, and around the country, travel by railroad. We leave undone, at least at this moment, issues that ought to be addressed with respect to rail security, the security of people who are traveling on railroads as passengers around our Nation.

Again, the Commerce Committee, under the leadership of Senator HOLINGS, has reported out, I believe unanimously, legislation dealing with rail security. It is an important issue, and not just for those of us in the Northeast corridor; it is an important issue for our Nation. And we know, as the Presiding Officer does, there are hundreds of thousands of people who travel literally every day through tunnels that go in and out of New York, under Baltimore, and under this city that are not too secure, are not well ventilated or well lit, and are not well protected.

This measure would help to address that, along with better surveillance of our bridges, providing better and more adequate security aboard our trains. My hope is that before we leave this day, before the Senate sets this day, we will have taken up this measure by unanimous consent and approve it in the Senate.

There was objection a few moments ago to another unanimous consent request which was made with respect to antiterrorism reinsurance. Other nations around the globe have been the target of terrorist attacks, and damage has been suffered from those attacks for many years. For us, fortunately, the experience of September 11 had never visited this country before. We have not had to trouble ourselves with determining how we provide adequately for insurance in the event of a terrorist attack.

Other countries deal with this differently. In Israel and the United Kingdom, which have had terrorist attacks

for many years, those countries have their own approach. In Israel, for example, the country provides the insurance for the terrorist attacks. The Banking Committee and the Commerce Committee both have sought to craft legislation to say there ought to be a backstop with respect to antiterrorism legislation, that initially the insurance companies themselves should put up money and absorb the losses, to the tune of \$10 or \$15 billion, but after that there should be a sharing of the costs that grow out of terrorist attacks. The Federal Government should share that. It is unfortunate we were not able to proceed with this legislation today, and it is imperative we take it up as soon as we return.

The last point is with respect to other unfinished business. When terrorists attacked us on September 11, they didn't just take people's lives in New York, the Pentagon, and in Pennsylvania; they struck a body blow to our economy. We are still reeling, to some extent, from that body blow. The work of the Federal Reserve on monetary policy helps us with respect to that body blow.

The fact that energy prices have fallen so much helps us with respect to that body blow. The fact that we are spending, frankly, a lot of money with deficit spending, in order to fight terrorism here and across the country and around the world, provides stimulus to the economy and helps to reduce the length of time under which we will likely have a recession.

There is one other thing we could have done, and ought to have done, besides the terrorism reinsurance proposal that has been objected to, and that was to pass an economic recovery plan. That, I think, had broad bipartisan support by Democrats and Republicans. It would have accelerated depreciation and gotten businesses back into the business of making capital investment. It would have provided a payroll tax holiday for businesses and employees as well. It would have provided extensions of unemployment insurance and helped folks on the health insurance side. It would have helped States that are reeling at this point in time. Unfortunately, we have not had the opportunity to debate that today and to pass a true bipartisan plan.

So we go home with half a loaf. We go home with half a loaf, but, as the Presiding Officer knows, we will come back next month. And as we come back next month, my hope is, if we have not dealt satisfactorily with railroad security and port security today, if we have not dealt with antiterrorism reinsurance today, as it appears we will not, that once we return we will take that up.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that when I complete my request for the unanimous consent, the Senator from West Virginia be recognized.

He has time under the previous bill already, but I would like him to be recognized as soon as I finish.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, I have one unanimous consent request I would like to make regarding an immigration bill before, if possible, the Senator from West Virginia speaks.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, the Senators may be unaware, but under the previous order, I was to be recognized after the vote; right?

Mr. REID. Right.

The PRESIDING OFFICER. It was the understanding of the Chair that Senators INOUE and STEVENS were to be recognized after the vote. And the Senator agreed to delay his statement, but the time had not been allotted to him specifically.

Mr. BYRD. Mr. President, I know what my rights are, and I know what the order said. I just have not pressed my rights. But I have no objection to the Senator making his request. I will not, however, stand aside for the Senator's request, but I will be here when he makes his request.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is my consent granted then, Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— H.R. 3448

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3448, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The PRESIDING OFFICER. Is there objection to proceeding to the measure at this time?

The Senator from Oklahoma.

Mr. NICKLES. I shall not object. I thank my colleague from West Virginia for his patience and tolerance, and also my colleague from Nevada for his assistance in moving this forward, as well as Senator DASCHLE and Senator LOTT. And I congratulate Senator FRIST and Senator KENNEDY for the work they have done in putting together this bipartisan Bioterrorism Preparedness Act.

The PRESIDING OFFICER. Is there objection to proceeding to this measure at this time?

Without objection, the Senate will proceed to the measure.

The Senator from Nevada.

Mr. REID. Mr. President, I say also that the Senator from West Virginia

and I worked very hard on homeland security, which featured a lot of these matters in this legislation that will quickly be approved. And it was real money. This is not; this is an authorization. I am glad we are going to get this, but it would have been better had we done Senator BYRD's bill and mine.

Mr. President, I understand Senators FRIST, KENNEDY, and GREGG have a substitute amendment at the desk, which is the text of S. 1765. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, that the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table.

Mr. BYRD. Mr. President, I reserve the right to object. I do not know what this bill is about.

Mr. REID. Did the Senator from West Virginia hear my statement I just made?

Mr. BYRD. I could hardly hear anything, as a matter of fact.

Mr. REID. What I did say, I say to Senator BYRD, is that this is the authorization on which Senators KENNEDY and FRIST have worked. And I did say that the legislation you offered—with me being second in charge of that legislation—was real money, appropriated money, which would have done these things that this only authorizes. I am glad this is going to be authorized, but it is too bad we are not here celebrating real money for the people.

Mr. BYRD. I object to this bill. I object to this being considered at this time.

Mr. REID. Mr. President, I ask unanimous consent that my consent to lay this bill down be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will just state to my friend and colleague from West Virginia, he is very much my friend, and I know he has a Defense appropriations speech, and I look forward to hearing his comments on that, and then I look forward to working with him to kind of show him some of the provisions on which Senators FRIST, KENNEDY, and GREGG, and others have worked. I believe there are 75 or more cosponsors on this bill. I think it is a good bill, a bipartisan bill, strongly supported by both sides.

I will work with my colleague from West Virginia to acquaint him with that. I hope and expect we can pass it a little later this afternoon.

The PRESIDING OFFICER (Mr. DAYTON). Under the previous order, the Senator from West Virginia is recognized.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. BYRD. Mr. President, I have been more than patient. Under the majority leader's order earlier, I was to